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10 UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
11 EASTERN DIVISION
12

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 KAWAUM MARQUEZ SCOTT, et
al.,
17 Defendants.
18

No. ED CR 13-116-VAP

GOVERNMENT'S SENTENCING POSITION
FOR DEFENDANT KAWAUM MARQUEZ
SCOTT

Sentencing Date:
July 21, 2014

Sentencing Time: 9:00 a.m.

19 Pursuant to Rule 32(f) of the Federal Rules of Criminal
20 Procedure and the Court's order, plaintiff United States of America
21 hereby submits its position regarding the sentencing of defendant
22 KAWAUM MARQUEZ SCOTT ("defendant Scott").
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 For the reasons set forth below, the government recommends a
3 sentence of 210 months' imprisonment to be followed by a ten-year
4 term of supervised release.

5 **I. FACTUAL BACKGROUND**

6 In August 2012, the child victim and her mother moved to an
7 apartment in Perris, California at a property where defendant
8 Nekeyia Necole Weatherspoon ("defendant Weatherspoon") lived. (PSR
9 ¶ 11.) Defendant Scott was defendant Weatherspoon's boyfriend.
10 (PSR ¶¶ 11, 69.) At that time, the child victim was fourteen years
11 old. (Id.)

12 Soon after the child victim and her mother moved in, defendant
13 Weatherspoon began recruiting the child victim to work as a
14 prostitute. Defendant Weatherspoon told the child victim that she
15 could make a lot of money doing "dates," (see PSR ¶ 11), and that
16 dates did not necessarily require having sex with the men she met.
17 (See Ex. 1 at 8.) In October 2012, defendant Weatherspoon took the
18 child victim on her first "date" in Woodland Hills, California. The
19 child victim was required to perform oral sex on a man for \$60,
20 which defendant Weatherspoon collected from her. (PSR ¶ 12; Ex. 1
21 at 8-9.)

22 On October 27, 2012, defendants Scott and Weatherspoon went to
23 the child victim's apartment and told her to pack a bag and come
24 with them to Hemet, California. Defendant Scott rented a room at
25 the Diamond Inn motel. (PSR ¶ 13.) Defendant Weatherspoon took
26 several sexually suggestive pictures of the child victim which
27 defendant Scott used to create advertisements for the commercial
28 sexual services of the child victim that he posted to the website

1 "www.Backpage.com." (PSR ¶ 13.) Defendant Scott posted a new
2 advertisement every day from October 27, 2012, through October 31,
3 2012. (See Ex. 2.) Defendants Scott and Weatherspoon arranged for
4 customers who responded to the ads to meet the child victim at the
5 Diamond Inn for sex. Before the meeting, defendant Scott gave the
6 child victim a condom, told her how much to charge, told her to
7 perform any sexual act the customer wanted except for anal sex, and
8 to tell the customers that she was 18 years old. (PSR ¶ 13.) The
9 defendants remained in Hemet with the child victim until October 31,
10 2012, changing motels once. Throughout this time, the child victim
11 continued to perform sex acts on customers. (PSR ¶ 13-16.) The
12 child victim always gave the money she was paid to the defendants.
13 (Id.)

14 On November 9 and 17, 2012,¹ defendant Weatherspoon arranged
15 for the child victim to go on "car dates," in which the child victim
16 was to meet customers in their cars in public places to have sex.
17 (PSR ¶ 17-18.) After the second car date, defendant Weatherspoon
18 offered to let the child victim keep the money the customer had paid
19 her. Defendant Scott, however, later came to the child victim's
20 home to retrieve that money and took it from her by force. (Id.
21 ¶ 18-19.)

22 On December 19, 2012,² defendant Weatherspoon picked the child
23 victim up from her high school. Defendant Weatherspoon again took
24 sexually suggestive photographs of the child victim, which defendant
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26 ¹ The PSR incorrectly lists one of these dates as November 8,
27 2012.

28 ² The child victim turned fifteen years old between the November
19, 2012 incident and December 19, 2012.

1 Scott again used to advertise the child victim's commercial sexual
2 services. (PSR ¶ 20.) The defendants arranged for the child victim
3 to have two more car dates, then drove her back to Hemet to meet
4 additional customers for sex at the Diamond Inn and the Motel 6.
5 (PSR ¶ 20.) During this time, defendant Scott made threats against
6 her and her family. (See Ex. 3 at 2.)

7 During both trips to Hemet, defendants provided the child
8 victim with drugs and alcohol. (See id. at 4.)

9 On November 27, 2013, a grand jury in the Central District of
10 California returned a six-count indictment charging defendant Scott
11 with one count of conspiracy to engage in sex trafficking of a child
12 in violation of 18 U.S.C. § 1594(c) (Count One) and three counts of
13 sex trafficking of a child in violation of 18 U.S.C. §§ 1591(a)(1)
14 and (2) (Counts 3, 5, 6).

15 On May 5, 2014, defendant Scott signed a binding plea agreement
16 pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), and on
17 May 6, 2014, defendant Scott appeared before this Court and pled
18 guilty to Counts 3 and 5 of the indictment.

19 **II. THE PRESENTENCE REPORT**

20 **A. OFFENSE LEVEL**

21 The Probation Office found that defendant's total offense level
22 is 36, based on a base offense level of 30 (U.S.S.G. § 2G1.3(a)(2)),
23 a two-level increase for exercising undue influence over the child
24 victim (U.S.S.G. § 2G1.3(b)(2)(B)), a two-level increase for an
25 offense involving a sex act (U.S.S.G. § 2G1.3(b)(4)(A)), a five-
26 level increase for a pattern of activity involving prohibited sexual
27 conduct (U.S.S.G. § 4B1.5(b)), and a three-level decrease for
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1 acceptance of responsibility (U.S.S.G. §§ 3E1.1(a), (b)).³ (PSR
2 ¶¶ 34-46.) Although the government concurs that the base offense
3 level is 30 and that a five-level increase for a pattern of activity
4 involving prohibited sexual conduct applies, the government objects
5 to the Probation Office's calculation of the total offense level.

6 Consistent with the binding plea agreement, the government does
7 not believe two-level enhancements for exercising undue influence
8 over the child victim or for an offense involving a sex act apply
9 under the facts of this case.

10 Also in accordance with the binding plea agreement, the
11 government believes a two-level enhancement for acting as an
12 organizer, leader, manager, or supervisor under U.S.S.G. § 3B1.1(c)
13 applies. (Plea Agreement ¶ 17.) The Court may impose such an
14 enhancement "if there is evidence that the defendant exercised some
15 control over others involved in the commission of the offense or was
16 responsible for organizing others for the purpose of carrying out
17 the crime." United States v. Whitney, 673 F.3d 965, 975 (9th Cir.
18 2012). As an initial matter, defendant has admitted to this role in
19 the offense. (See Plea Agreement ¶ 17.) Furthermore, as set forth
20 below, defendant played an organizing role in the offense. On the
21 one occasion in which defendant Weatherspoon attempted to allow the
22 child victim to keep the money she was paid, defendant Scott
23 overruled her and took the money by force. Defendant Scott
24 organized the motel rooms they used to conduct prostitution
25 activities, was responsible for creating the advertisements they
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27 ³ The government hereby moves for the additional one-level
28 reduction for acceptance of responsibility under U.S.S.G.
§ 3E1.1(b).

1 used to further their prostitution activities, and instructed the
2 child victim as to what to say to customers and what sexual acts to
3 perform. Accordingly, a two-level enhancement is appropriate.

4 **B. CRIMINAL HISTORY**

5 The Probation Office calculated defendant's criminal history
6 category as III, based on six criminal history points. (PSR ¶¶ 48-
7 56.) The government objects to this calculation of defendant's
8 criminal history category. The Probation Office assigned only one
9 criminal history point to defendant's 2012 conviction for taking a
10 vehicle without owner's consent. (PSR ¶ 53.) Defendant, however,
11 received a sentence of 180 days' imprisonment for this conviction.
12 (Ex. 4 at 4.) Accordingly, defendant should receive two criminal
13 history points for this conviction, see U.S.S.G. § 4A1.1(b),
14 resulting in a criminal history score of seven and a criminal
15 history category of IV.

16 With an offense level of 34 and a criminal history category of
17 IV, the government maintains that defendant's applicable advisory
18 guidelines sentencing range is 210-262 months.

19 **III. THE GOVERNMENT'S SENTENCING POSITION**

20 The government's recommended sentence is sufficient, but not
21 greater than necessary, to achieve the purposes set forth in 18
22 U.S.C. § 3553(a).

23 The nature and circumstances of the offense, as well as its
24 seriousness, support a 210-month sentence. Defendant Scott
25 knowingly sold a child to adult men for sex. He did so repeatedly
26 and without regard for her safety or well-being. He provided her
27 with drugs and alcohol while she worked for him. He threatened the
28 child victim and her family, and at one point used force to

1 retrieve money from her that he perceived to be his. These factors
2 weigh heavily in favor of imposition of a significant sentence.

3 The need for general deterrence also supports a 210-month
4 sentence. Cases of this nature are difficult to prosecute, as
5 victims of sex trafficking are often fearful of turning to law
6 enforcement due to their own criminal conduct. Even if law
7 enforcement is alerted to their situation, victims are often
8 reluctant to testify against their pimps. Given the severity of the
9 crime – particularly when it involves minor trafficking victims –
10 and the difficulty of prosecutions, it is crucial that defendants
11 who are caught and convicted receive significant sentences to deter
12 others from becoming involved in human trafficking, particularly in
13 sex trafficking of children.

14 **IV. CONCLUSION**

15 For the foregoing reasons, the government believes that the
16 recommended sentence is sufficient, but not greater than necessary,
17 to comply with the purposes of 18 U.S.C. § 3553(a).

18 The government respectfully requests the opportunity to
19 supplement its position or respond to defendant as may become
20 necessary.
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